IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

WP(C).No. 23153 of 2004(F)

PETITIONER:

SANKARAN ADIYODI,NARIKKOTTU KOVILAKOM,
AVITANALLOOR AMSOM, POONATH DESOM,
KOZHIKODE DISTRICT.

BY ADV. SRI.B.V.JOY SANKER

RESPONDENT:

THE BRANCH MANAGER, THE SOUTH MALABAR
GRAMIN BANK, AVITANALLOOR, KOZHIKODE.

BY ADV. SRI. T.R. RAVI, SC, SOUTH MALABAR GRAMIN BANK

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.23153/2004 F

APPENDIX

PETITIONER'S EXHIBIT:

EXT.P1: COPY OF THE ORDER DTD. 29/05/2004 OF MUNSIFF COURT, QUILANDY.

/TRUE COPY/

KSS

PIUS C. KURIAKOSE, J.

W.P.(C) No. 23153 OF 2004

Dated this the 21st day of June, 2007

JUDGMENT

Having considered the averments in the Writ Petition and submission of the learned counsel for the respondent, I am of the view that the very objective of the petitioner in filing this Writ Petition is to get time to raise money to liquidate the decree debt. It is so stated by the writ petitioner in the writ petition also. This court while admitting this writ petition granted stay by imposing condition that an amount of Rs.5,000/- shall be paid within one month from 05.08.2004. Learned counsel for the respondent submits that he is not able to say whether the above condition was complied with or not.

Under the above circumstance, I dispose of the Writ Petition directing the execution court to verify whether the petitioner has paid or deposited the a sum of Rs.5,000/-, directed by this Court within one month from 05.08.04. If on verification it is seen that the payment was made, then the execution court will hold up the execution proceedings for another four months. It is open to the petitioner to settle the liability to the satisfaction of the respondent within the aforesaid period. If settlement is not made within the said time limit, the impugned order will

become operative and the court below will continue with the execution proceedings.

PIUS C. KURIAKOSE, JUDGE

btt